

***CHANGE OF NAME  
(ADULTS)***

## CHANGE OF NAME PROCEDURE

1. Complete the following forms in the *Change of Name Packet*:

*Petition for Change of Name;*  
*Notice of Petition for Change of Name;*  
*Affidavit of Publication;* and  
*Final Order Changing Name*

Prepare an original set of documents plus two (2) sets of copies of each form. Documents which number more than one page must be stapled separately. Sort the documents according to title, place the original of each form on top of its copy and then paper clip together. **For example:** Place the original *Petition* on top of the copies and then paper clip them together. Repeat the same procedure for the other forms.

2. Go to the **Clerk's Office, Room 119, 1<sup>st</sup> floor**, of the Bernalillo County Courthouse at 400 Lomas Blvd. NW, Albuquerque, NM between the hours of **8:00 A.M. and 5:00 P.M., Monday through Friday** to file the documents. Submit the filing fee of **\$132.00** (cash, money order, or cashier's check payable to Clerk of the District Court) with the *Petition*, *Notice of Petition*, *Affidavit of Publication*, and *Final Order Changing Name* and copies to the clerk. At this time, the case is randomly assigned a Civil Judge and given a case number.

3. Bring the *Notice of Petition* to the judge's office assigned to the case and check with the trial court administrative assistant for scheduling the hearing date and time. After you have been assigned a hearing date and time, return to the **Clerk's Office** to file the *Notice of Petition*. The clerk will endorse stamp the copies and return them to you.

4. Go to the **Health City Sun** at 905 3<sup>rd</sup> Street NW or contact them at (505) 242-3010 between the hours of **9:00 A.M.-5:00 P.M. Monday through Thursday & 9:00 A.M.-3:00 P.M. Friday**. Bring **\$45.00** and publish an ENDORSED copy of the *Notice of Petition to Change Name*. This document will be published once a week for two (2) consecutive weeks.

5. After the last publication, the newspaper will send an *Affidavit of Publication* to you. Your packet includes a cover page with the title *Affidavit of Publication*. Attach that cover page to the *Affidavit* sent to you by the newspaper. Make two (2) photo copies of the *Affidavit of Publication* and cover page, return to the **Clerk's Office** to file the original document. You must file the original *Affidavit of Publication*; it is proof of publication as required by the Name Change Statute (law). The clerk will endorse stamp your copies and return them to you. Be sure to provide the judge with an endorsed copy at your hearing.

6. Bring the *Final Order* with copies to your hearing along with a stamped and endorsed copy of the *Affidavit of Publication* which you filed in the clerks' office. **BE ON TIME FOR THE SCHEDULED HEARING!** Check in with the assigned judge's trial court administrative assistant as soon as you arrive. If the judge signs your *Final Order Changing Name* in your hearing, you can return to the **Clerk's Office** to submit the signed *Final Order Changing Name* for filing; the clerk will endorse stamp your copies and return them to you. This step completes the Name Change process. NOTE: You may want several certified copies of the *Final Order*. Ask the clerk to certify as many copies as you require. The cost is \$1.50 per certification. **BRING CASH!** The Court cannot accept personal checks or credit cards.

**\*Failure to attend the hearing or to properly publish may result in your case being dismissed by the judge\***

# GENERAL INSTRUCTIONS ABOUT THE *Change of Name Procedures*

## **I. Background and General Information**

These materials on handling your own court case pro se (without an attorney) are provided for persons who are extremely low income and not eligible for any free or low cost programs. If at all possible, you should have an attorney for your case. The system is quite complicated, and if you are proceeding pro se, you must do everything just as a lawyer would.

1. This packet gives basic information and instructions on preparing and filing a Petition and the other "pleadings" to complete the change of name process. You will have to read every word carefully and tailor everything to fit your own situation.

2. We provide forms for you to use in preparing your own pleadings. You must change the forms which are provided to fit your own situation!

3. The packets contain the basic forms that are needed to process the case. Sometimes other forms are needed to meet special circumstances. We cannot anticipate such needs and do not include any but the basic forms.

4. Most of the forms are accompanied by instructions that give information about each blank in the form. Some forms are very simple ones; those do not have separate instruction pages.

5. Though our forms have blanks, if you are re-typing DO NOT SHOW THE blanks. For example, paragraph 1 of the Petition will look like this:

1. Petitioner is a resident of Albuquerque, Bernalillo County, New Mexico.

There are some places where there is a choice (for example "his/her") shown on the forms. The instructions for the forms usually say to "circle the appropriate word." If you are re-typing the forms, (which is the best) just select the correct choice for you and type in the right word in that place.

6. You must anticipate the following costs:

Filing Fee	\$132.00
Publication Expense	\$45.00
Certified Copies	\$4.50 (\$1.50/ea)
Filing with the County Clerk	\$9.00
Filing change of Birth Certificate	\$10.00
Obtain new Birth Certificate	\$10.00

## **II. Jurisdiction**

The statutes that give the court "jurisdiction" (authority to do something) in Change of Name procedures are Section 40-8-1 to 40-8-3 NMSA 1978. A copy of the statute is included with these materials.

Basically, the District Court of New Mexico has jurisdiction to order a name change if the Petitioner is a resident of this state. The petition must be filed in the County in which the petitioner resides. There are special requirements if the name change is for someone under fourteen years of age. There is an outline of these requirements in the "Special Instructions for Name Change for Person Under the Age of 14 Years".

## **VI. Signing the Petition**

The Petition must be signed by the Petitioner. In addition to your signature, the court must have on file your address and phone number. This information is provided in the area following your signature.

## **VII. The Other Pleadings**

Now that you have prepared the Petition, the hardest part has been done. Other pleadings will be done in the same way as you did the Petition. Instructions for all the blanks of each of the forms are at the end of the packet.

These General Instructions will alert you to special things to watch for and tell you when you will need to prepare the pleadings needed as your case goes along.

## **VIII. Notice of Petition to Change Name**

The next document that has to be done to process the Petition to Change Name is the Notice of Petition to Change Name. The Notice should be prepared and taken with you at the same time you take the Petition to Change Name to the Clerk's office for filing.

When you file these documents with the District Court Clerk, you will be assigned a Judge and the Clerk will fill in the Judge's name on the NOTICE OF PETITION TO CHANGE NAME. You will then take the Notice to the assigned Judge's secretary and she will fill in the remaining blanks in the Notice with the date and time of your hearing. (See paragraph XI. below for details on getting the hearing set.)

## **IX. Copies**

You will need two copies of all documents in addition to the original. The Clerk's office can make copies for you (for 35 cents per page), but it may be less expensive to have the copies made before you come to the Courthouse. If you bring your own copies, the Clerk will stamp (endorse) the copies with the court stamps to show that the original has been filed in the Court file. There is no extra charge for stamping the copies if you get them stamped when the original is filed and ask for "endorsed" copies. The original is for your file.

## **X. Filing the Petition**

Take the original Petition and Notice and the copies to the **Civil Clerk's** office on the first floor of the Courthouse, **Room 119**. The District Courthouse is located at 400 Lomas NW. The Clerk's office is open from **8:00 to 4:00 Monday through Friday**.

You will be required to pay the \$132.00 (cash or money order only) filing fee at this time.

The Clerk will file the original petition and stamp and return the copies of the Petition to you and the original Notice will be stamped and returned to you.

## **XI. Getting a Hearing Time Set**

Your Notice will have the name of the Judge who is assigned to your case stamped on it. Check the Judge's office directory in the lobby and go to the office of the Judge assigned to your case. Ask the Judge's secretary how to get a hearing date for a change of name. Sometimes the secretary can set the time right

filed with the Court clerk), some blank paper and a pen. Check in with the Judge's secretary. She will want to know your name, the Cause number, and the time your hearing is scheduled for.

A hearing time is set because the statute requires it, but an actual courtroom hearing will probably not be needed. Sometimes the Judge's secretary might have you wait in the reception area or the hallway until the hearing time has passed, and then she might ask you for the original order you have completed for the Judge's signature and take it in for the Judge to sign. It is possible you will not even see the Judge.

The Judge may want to hold a hearing. It is possible for a "hearing" to be in the Judge's chambers (office) or in the courtroom. The Judge may have questions to ask you, such as why you are asking to have your name changed.

If no one appears at the hearing to object to the change of name you have requested, and if all the paperwork has been done correctly, the Judge will probably sign your Order right then.

### **XV. Filing the Order**

After the Judge signs the original Order, you must take it to the Clerk's office, **Room 119**, to have it filed. The Order IS NOT EFFECTIVE UNTIL IT IS FILED BY THE CLERK. DO NOT TAKE THE ORIGINAL ORDER OUT OF THE COURTHOUSE.

Have the clerk CERTIFY your 3 copies. The charge for the certified copy is \$1.50 for each certified copy, and you will need CERTIFIED copies for the next steps.

### **XVI. Finishing the Paperwork**

The last part of §40-8-1, NMSA 1978, the change of name statute, REQUIRES that you take a certified copy of the Order to the County Clerk's office for filing. The fee for filing the Order with the County Clerk is \$7.00 for the first page and \$2.00 for each additional page.

If you were born in New Mexico and want to have your BIRTH CERTIFICATE changed to show the new name, send one of the certified copies of the Order to the Office of Vital Statistics in Santa Fe. This packet includes an example letter for sending this certified copy to the Vital Statistics office. The cost for having the state's Vital Statistics records changed is \$10.00 for each person whose name has been changed. If you want to get a copy of the birth certificate showing the new name sent to you, there is an additional charge of \$10.00. Processing the name change and sending a revised birth certificate sometimes takes several weeks, so plan ahead if you are going to need a new birth certificate issued.

If you want to have other documents, such as your driver's license, Social Security records, credit cards, school records, etc., changed to show your new name, you should ask the agency or organization for the forms they use to change their records. Some of these agencies will want to have a CERTIFIED copy of the Order for them to keep in their files. Others will accept a photocopy of the Order that you have for your file copy.

YOU SHOULD ALWAYS KEEP AT LEAST ONE CERTIFIED copy in your own files. If you find that you need more CERTIFIED COPIES of the Order you can go back to the Court Clerk to get additional certified copies.

Text of Statute for Change of Name  
§§40-8-1 through 40-8-3, NMSA 1978 as amended

§40-8-1            Change of name: petition and order.

Any resident of this state over the age of fourteen years may, upon petition to the district court of the district in which the petitioner resides and upon filing the notice required with proof of publication, if no sufficient cause is shown to the contrary, have his name changed or established by order of the court. The parent or guardian of any resident of this state under the age of fourteen years may, upon petition to the district court of the district in which the petitioner resides and upon filing the notice required with proof of publication, if no sufficient cause is shown to the contrary, have the name of his child or ward changed or established by order of the court. When residents under the age of fourteen years petition the district court for a name change, the required notice shall include notice to both legal parents. The order shall be entered at length upon the record of the court, and a copy of the order, duly certified, shall be filed in the office of the county clerk of the county in which the person resides. The county clerk shall record the same in a record book to be kept by him for that purpose.

§40-8-2            Notice of petition; exception.

A.        Before making application to the court for changing or establishing a name as provided in Section 40-8-1 NMSA, the applicant must cause a notice thereof, stating the nature of the application, the time and place, when and where the application will be made, to be published in the county where the application is to be made, and where the applicant resides, the notice to be published at least once each week for two consecutive weeks, in some newspaper printed in the county. If there be no newspaper published in the county where the applicant resides, then the notice shall be published in a newspaper printed in the county nearest to the residence of the person, and having a circulation in the county where the person resides.

B.        If the court finds that publication of an applicant's name will jeopardize the applicant's personal safety, the court shall not require publication. The court shall order all records regarding the application to be sealed. The records shall only be opened by court order based upon a showing of good cause or at the applicant's request.

§40-8-3            Hearing at regular term in county of petitioner's residence.

That the hearing and determination of all proceedings instituted under the provisions of this chapter (§40-8-1 to §40-8-3 NMSA 1978), and the final order of the court therein, shall be had and made at some regular term of the district court sitting within and for the county wherein said petitioner resides.

**INSTRUCTIONS FOR COMPLETING  
PETITION TO CHANGE NAME  
(ADULT)**

- [1] Fill in the Judicial District where you are filing your Petition. (This may already be printed on the form.)
- [2] Fill in the county where you are filing your Petition. (This may already be printed on the form.)
- [3] Leave this line blank. The Court Clerk will assign you a file number and stamp the number on the first set of papers.
- [4] Fill in your name.
- [5] Fill in your name.
- [6] Fill in your date of birth.
- [7] Fill in the city where you live.
- [8] Fill in the county where you are filing your Petition.
- [9] Circle the appropriate word, either "his" or "her."
- [10] Fill in your name.
- [11] Fill in the NEW name which you would like to have.
- [12] Circle the appropriate word, either "his" or "her."
- [13] Fill in the NEW name which you would like to have.
- [14] Fill in the NEW name which you would like to have.
- [15] Sign your name on this line.
- [16] Print your name on this line.
- [17] Write the address of the place where you live on this line.
- [18] Write the address where you receive mail, if different from your residence, on these lines.
- [19] Write your telephone number here. If you do not have your own telephone, give a message number.

[1] \_\_\_\_\_ JUDICIAL DISTRICT COURT  
COUNTY OF [2] \_\_\_\_\_  
STATE OF NEW MEXICO

CAUSE NO. [3] \_\_\_\_\_

IN THE MATTER OF THE PETITION OF

[4] \_\_\_\_\_  
FOR CHANGE OF NAME

**PETITION TO CHANGE NAME  
(ADULT)**

COMES NOW the Petitioner, [5] \_\_\_\_\_,

whose date of birth is [6] \_\_\_\_\_, and pursuant to §40-8-1, NMSA  
1978, states:

1. Petitioner is a resident of [7] \_\_\_\_\_,

[8] \_\_\_\_\_ County, New Mexico.

2. Petitioner is over the age of fourteen (14) years.

3. Petitioner desires to change [9] his/her name from [10] \_\_\_\_\_,

to [11] \_\_\_\_\_.

4. There is no sufficient cause to the contrary why [12] his/her name should not be  
changed to and established as [13] \_\_\_\_\_.

WHEREFORE, Petitioner prays:

1. That the Court set a hearing in this matter; and

2. Following the time set for the hearing, the Court enter its Order changing and establishing Petitioner's name as [14] \_\_\_\_\_.

Respectfully submitted,

Signature: [15] \_\_\_\_\_  
Petitioner, pro se

Print Name: [16] \_\_\_\_\_

Address: [17] \_\_\_\_\_  
\_\_\_\_\_

Mailing address if different:

[18] \_\_\_\_\_  
\_\_\_\_\_

Telephone: [19] \_\_\_\_\_

## **INSTRUCTIONS FOR COMPLETING OTHER FORMS (ADULT)**

### **NOTICE OF PETITION TO CHANGE NAME (ADULT):**

- [1] through [4] Same as the PETITION TO CHANGE NAME.
- [5] Fill in your name.
- [6] Fill in the name of the city where you live.
- [7] Fill in the name of the county where you live.
- [8] Fill in the Judicial District where you filed your Petition.
- [9] Fill in the county where you filed your Petition.
- [10] Circle the appropriate word, either "he" or "she."
- [11] Circle the appropriate word, either "his" or "her."
- [12] Fill in your name.
- [13] Fill in the NEW name which you would like to have.
- [14] The Judge's name goes in this space. If you have this form ready when you file the Petition, the Clerk will probably use a stamp to put the Judge's name on this blank.
- [15] through [18] LEAVE THESE SPACES BLANK. The Judge's secretary will fill these blanks in when scheduling the hearing.
- [19] Fill in the county where the hearing will be held.
- [20] Fill in the address of the courthouse where the hearing will be held.
- [21] through [25] Same as the PETITION TO CHANGE NAME.

### **AFFIDAVIT OF PUBLICATION (ADULT):**

- [1] through [4] Same as the PETITION TO CHANGE NAME.
- [5] This form is just a cover page for the Affidavit of Publication you will receive from the newspaper when publication is completed. Type or write EXHIBIT A on the bottom of the affidavit the newspaper sends you, then staple the Affidavit to this cover page.

### **FINAL ORDER CHANGING NAME (ADULT):**

- [1] through [4] Same as the PETITION TO CHANGE NAME.
- [5] Fill in your name.
- [6] Circle the appropriate word, either "his" or her."
- [7] Fill in the NEW name which you would like to have.
- [8] Fill in your name.
- [9] Fill in your date of birth.
- [10] Fill in the name of the city in which you reside.
- [11] Fill in the name of the county in which you reside.
- [12] Fill in your name.
- [13] Circle the appropriate word, either "his" or "her."
- [14] Fill in your name.
- [15] Fill in the NEW name which you would like to have.
- [16] Fill in your name.
- [17] Fill in the NEW name which you would like to have.
- [18] Leave this line blank. The Judge will sign the original Order on this line at the time of the hearing. The Clerk will stamp the Judge's name on the line when you get your endorsed or certified copies.

[1] \_\_\_\_\_ JUDICIAL DISTRICT COURT  
COUNTY OF [2] \_\_\_\_\_  
STATE OF NEW MEXICO

CAUSE NO. [3] \_\_\_\_\_

IN THE MATTER OF THE PETITION OF  
[4] \_\_\_\_\_  
FOR CHANGE OF NAME

**NOTICE OF PETITION TO CHANGE NAME  
(ADULT)**

NOTICE IS HEREBY GIVEN that [5] \_\_\_\_\_, a  
resident of the City of [6] \_\_\_\_\_, County of [7] \_\_\_\_\_,  
State of New Mexico, and over the age of fourteen years, has filed a Petition to Change Name in  
the [8] \_\_\_\_\_ District Court, [9] \_\_\_\_\_ County, New  
Mexico, wherein [10] he/she seeks to change [11] his/her name from [12] \_\_\_\_\_  
\_\_\_\_\_ to [13] \_\_\_\_\_,  
and that this Petition will be heard before the Honorable [14] \_\_\_\_\_,  
District Judge, on the [15] \_\_\_\_\_ day of [16] \_\_\_\_\_ [17] 20\_\_\_\_, at the  
hour of [18] \_\_\_\_ a.m./p.m., at the [19] \_\_\_\_\_ County  
Courthouse, [20] \_\_\_\_\_, New Mexico.

Respectfully submitted,

Signature: [21] \_\_\_\_\_

Print Name: [22] \_\_\_\_\_

Petitioner, pro se

Address: [23] \_\_\_\_\_

Mailing address if different:

[24] \_\_\_\_\_

Telephone: [25] \_\_\_\_\_

[1] \_\_\_\_\_ JUDICIAL DISTRICT

COUNTY OF [2] \_\_\_\_\_

STATE OF NEW MEXICO

CAUSE NO. [3] \_\_\_\_\_

IN THE MATTER OF THE PETITION OF

[4] \_\_\_\_\_  
FOR THE CHANGE OF NAME

**AFFIDAVIT OF PUBLICATION  
(ADULT)**

(Affidavit of Publication attached hereto as Exhibit A.) [5]

[1] \_\_\_\_\_ JUDICIAL DISTRICT COURT  
COUNTY OF [2] \_\_\_\_\_  
STATE OF NEW MEXICO

CAUSE NO. [3] \_\_\_\_\_

IN THE MATTER OF THE PETITION OF

[4] \_\_\_\_\_  
FOR CHANGE OF NAME

**FINAL ORDER CHANGING NAME  
(ADULT)**

THIS MATTER having come before the Court on the Petition of [5] \_\_\_\_\_  
\_\_\_\_\_ to change [6] his/her name to [7] \_\_\_\_\_, and  
the Court having considered said Petition and being otherwise advised in the premises, finds as  
follows:

1. This Court has jurisdiction over the subject matter and the party hereto.

2. Petitioner, [8] \_\_\_\_\_, whose date of birth is  
[9] \_\_\_\_\_, and who is over the age of fourteen (14) years, is a resident of  
the City of [10] \_\_\_\_\_, County of [11] \_\_\_\_\_,  
State of New Mexico.

3. Petitioner, [12] \_\_\_\_\_, desires to change  
[13] his/her name from [14] \_\_\_\_\_ to  
[15] \_\_\_\_\_.

4. It appears that notice of said Petition has been published in the manner and for the time

provided by law.

5. No person has objected to the change of name as requested herein.

6. The Court finds no reason why the Petition should not be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Court adopts paragraphs numbered 1 through 6 above as findings of this Court;

B. Said Petition should be, and the same is hereby, granted;

C. Petitioner's name of [16] \_\_\_\_\_ is hereby changed to

[17] \_\_\_\_\_.

[18] \_\_\_\_\_  
DISTRICT COURT JUDGE

\_\_\_\_\_  
(Date)

Registrar  
New Mexico Health Department  
Vital Records  
P. O. Box 26110  
Santa Fe, NM 87502-6110

Dear Sir/Madam:

I have recently changed my name and would like to amend my birth certificate. My former name was \_\_\_\_\_ and I was born in \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I have enclosed a certified copy of the Order changing my name and a check or money order for \$20.00. Please send me a copy of my amended birth certificate.

Sincerely,

\_\_\_\_\_  
(Sign your new name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

ENCLOSURES

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
IN THE \_\_\_\_\_ COURT

\_\_\_\_\_, Plaintiff

v.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant

### REQUEST FOR COURT INTERPRETER

PERSON NEEDING INTERPRETER: Party \_\_\_\_\_ Witness for \_\_\_\_\_

NAME OF PERSON NEEDING INTERPRETER: \_\_\_\_\_

SPECIFIC MATTERS TO BE HEARD: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ LOCATION: \_\_\_\_\_

JUDGE: \_\_\_\_\_ TIME REQUIRED: \_\_\_\_\_

LANGUAGE NEEDED: Spanish \_\_\_\_\_ Sign \_\_\_\_\_ Other \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

Signature of party or party's attorney

[BELOW FOR CLERK'S USE ONLY]

NAME OF INTERPRETER: \_\_\_\_\_

DATE INTERPRETER CONTACTED: \_\_\_\_\_

DATE/TIME VERIFIED WITH INTERPRETER: \_\_\_\_\_

BY \_\_\_\_\_

Deputy Clerk

### USE NOTE

The party requesting the interpreter is responsible for notifying the court clerk's office if cancellation of the interpreter services is required. If the requesting party fails to do so in a timely manner, that party may be responsible for the fees and mileage expenses of the interpreter in accordance with the Administrative Office of the Courts Court Interpreter Standards of Practice and Payment Policies.

[Adopted by Supreme Court Order No. 12-8300-022, effective for all cases filed or pending on or after January 1, 2013].